

## REMARKS

### Claims 1-5

Applicant notes that claims 1-5 are indicated as allowed; as such, these claims are not discussed further herein.

### Specification Objection

The Examiner objects to the specification for allegedly "failing to provide proper antecedent basis for the claimed subject matter" of claim 6. Specifically, the Examiner appears concerned about the claimed first and second control channels. Claims 6-7 have been amended to clarify the claimed invention, but not to overcome any cited art. The Examiner's attention is directed to page 8, lines 3-9 of the present specification, where an example of the first and second control channels is given as the "reverse Traffic Channel" and the "reverse Pilot Channel." It is well known in the art that the reverse Traffic Channel carries control information, and is therefore a control channel. Further, it is well known in the art that the reverse Pilot Channel is used for timing and control, and is therefore also a control channel. In view of the amendments to claims 6-7, Applicant requests withdrawal of the objection to the specification.

### §102 Rejection of Claim 6

Claim 6 stands rejected under §102(b) over Grube. Applicant requests reconsideration.

Claim 6 requires, *inter alia*, "assigning a private downlink channel to each member of said group call belonging to said first class; assigning a public downlink channel to at least one member of said group call belonging to said second class." The

Examiner asserts that the private and public downlink channels are shown in Grube in Figure 1 at 117-122. However, this characterization is at odds with the text of Grube. Grube repeatedly states that a single common outbound channel is used for downlink communications with all the subscriber units in the talkgroup. For example, at col. 2, lines 19-20, Grube unequivocally states that "The entire talkgroup is assigned an outbound code." Then again at col. 6, lines 37-38, Grube states "Additionally, a single outbound code, Code A, is used to transmit the resulting summed voice information." Thus, Grube teaches using only a single code for all the downlink communications for all the subscribers in a given talkgroup. As is understood by one of skill in the art of CDMA systems at the time of Grube, a single code corresponds to a single channel. Thus, Grube teaches using only a single downlink channel for all the downlink communications for all the subscribers in a given talkgroup, not both private and public downlink channels. Accordingly, Applicant respectfully submits that Grube simply does not teach or suggest "assigning a private downlink channel to ... said first class; assigning a public downlink channel to ... said second class," as required by claim 6.

Claim 6 also requires, *inter alia*, "transmitting voice on a Reverse Traffic Channel and a pilot signal on a Reverse Pilot Channel, during said group call, by a first member of said group call belonging to said first class." The Examiner points to Grube col. 3, lines 62-67 in an effort to show this limitation is taught by Grube. However, the cited passage of Grube relates to updating of the "sub-group entries 303" based on past calls, not based on the current group call. This is made clear by reading the cited passage in context of the immediately following text in Grube at col. 4, lines 1-5, "That is, when one-to-one communications with a given unit are established, the sub-group

entries can be updated to include the identity or identities of those subscriber units that participated in such one-to-one communications." Plainly, the one-to-one communications referred to by Grube are not the current group call, but are instead prior "regular" one-to-one communications between two of the relevant subscriber units. Thus, whatever Grube may teach with respect to uplinking information in the cited passage, such uplinking is not occurring during the relevant group call, as required by claim 6.

Claim 6 further requires, *inter alia*, "thereafter, ceasing transmission on said Reverse Traffic Channel, during said group call, by a first member in response to said first member not talking for a first predetermined time period during said group call." The Examiner points to Grube col. 5, lines 40-47 in an attempt to show this limitation is taught in Grube. However, the cited passage of Grube does not support the Examiner's position. First, it must be noted that the cited passage of Grube states "a time out timer may be used after all the units have ceased transmitting either idle pattern or voice information" to "detect the end of talkgroup call." A plain reading of this passage finds that the triggering event is when all the Grube subscriber units have ceased transmitting both the idle pattern and voice information. If only some of the subscriber units have stopped transmitting, but not all, then the Grube talkgroup call is not ended. Further, if even one subscriber unit is transmitting an idle pattern, then the Grube talkgroup call has not ended. This is contrasted with the claim language that focuses on only the single member -- called the "first member" -- and whether that member has not talked for the relevant time period. The key claim language is "in response to the first member not talking...." Under Grube's method, the "first member" not talking for the relevant

time period will cause nothing to happen, because the second, third, etc. members of the talkgroup may be talking during that time period (so not all have stopped), or, more fundamentally, because the first member has necessarily been transmitting an idle pattern (see col. 4, lines 61-63 ("Those units within the sub-group 102 not currently transmitting voice will transmit an idle pattern, as known in the art.")). Either condition will prevent the talkgroup from ending under Grube's teaching, and the later condition necessarily happens in the relevant scenario. Thus, while Grube may used a timer to detect the end of talkgroup call, there is no indication that Grube times anything on a per subscriber unit basis as required by claim 6. Also, Applicant notes that the claim language requires ceasing transmitting on the Reverse Traffic Channel, during the group call, in response to the lapsing of the time period. Grube, on the other hand, terminates the talkgroup call in response to the ceasing of uplinking (idle pattern or voice information). In other words, at best the cited Grube approach inverts the claimed trigger/response arrangement, and does so to detect the end of the talkgroup call which has already happened, not the claimed trigger during the group call.

In view of the above, Applicant respectfully submits that Grube does not teach each and every limitation of claim 6, and therefore does not anticipate the subject matter of claim 6. Accordingly, Applicant submits that independent claim 6, and dependent claims 8-10, define patentable subject matter over the cited art.

With further regard to claim 10, Applicant notes that this claim requires "assigning such moving members a private downlink channel on which to communicate." On this point, the Examiner points to Grube col. 6, lines 60-64. However, this cited passage merely states that an inbound code is assigned for use in the talkgroup call. An inbound

code is for uplink communications, not downlink communications. As such, the cited passage says nothing whatsoever about assignment of any downlink channel for communications to any class-moving subscriber unit. Accordingly, the cited passage simply cannot teach "assigning such moving members a private downlink channel on which to communicate," as required by claim 10. Therefore, Applicant submits that claim 10 defines patentable subject matter over the cited art, even if claim 6 does not.

### **§102 Rejection of Claim 11**

Claim 11 stands rejected under §102(b) over Grube. Applicant requests reconsideration.

Claim 11 requires, *inter alia*, "assigning a private downlink channel and a private uplink channel to a first member of said group call belonging to said first class; [] assigning the remaining members of said group call to one or more public downlink channels." The Examiner asserts that the private and public downlink channels are shown in Grube in Figure 1 at 117-122. However, this characterization is at odds with the text of Grube. Grube repeatedly states that a single common outbound channel is used for downlink communications with all the subscriber units in the talkgroup. For example, at col. 2, lines 19-20, Grube unequivocally states that "The entire talkgroup is assigned an outbound code." Then again at col. 6, lines 37-38, Grube states "Additionally, a single outbound code, Code A, is used to transmit the resulting summed voice information." Thus, Grube teaches using only a single code for all the downlink communications for all the subscribers in a given talkgroup, which is at most a public downlink channel. As is understood by one of skill in the art of CDMA systems at the

time of Grube, a single code corresponds to a single channel. Thus, Grube teaches using only a single downlink channel for all the downlink communications for all the subscribers in a given talkgroup, not both private and public downlink channels. Accordingly, Applicant respectfully submits that Grube simply does not teach or suggest using both a private downlink channel and a separate public downlink channel, as required by claim 11.

Claim 11 also requires, *inter alia*, "thereafter, during said group call, substantially simultaneously: reclassifying said first member to said second class; reassigning said first member to said public downlink channel; reclassifying a second member of said group call belonging to said second class to said first class; reassigning said private downlink channel and said private uplink channel to said second member." Thus, claim 11 addresses the situation where first and second members of the group call swap classifications during the group call. One step in the process is reassigning the first member from its private downlink channel to the common public downlink channel. This step is not taught by Grube. As pointed out above, Grube contemplates only a single downlink channel for all the subscriber units. As only one downlink channel is ever used by Grube, which is necessarily public, there simply cannot be any reassignment of a subscriber unit from a non-existent private downlink channel to the public downlink channel. This is contrasted with the teachings of Grube that private uplink channels may be assigned to individual subscriber units in sub-group 102. Further, the logic presented by the Examiner in relation to this limitation points to the section of Grube discussing the termination of a talk group call. As such, the de-assignment of the outbound and inbound codes discussed by the Examiner all occur after the termination

of the talkgroup call in its entirety. Because claim 11 explicitly requires the relevant assignment and re-assignments to be during the same group call, the cited teachings of Grube relied on by the Examiner are simply irrelevant as they happen after the talkgroup call, not during the call. Applicant therefore respectfully submits that the cited passages of Grube simply do teach the claimed method.

With further regard to the Examiner's statement that "It is inherent in Grube that a re-assignment of outbound code to a member of subgroup 102 [] also incurs the change of the group classification to that member from the subgroup 102 to the talkgroup 101...", this statement is plainly incorrect. Grube repeatedly states that only a single outbound code is use for all members of the talkgroup 101, and that subgroup 102 is merely a subset of talkgroup 101. Thus, there is never any "re-assignment of outbound code to member of subgroup 102" during the talkgroup call in Grube, because there is only one outbound code used. With only one outbound code used during the talkgroup call, it is impossible for there to be any "re-assignment of outbound code" during the call. Thus, the Examiner's logic underlying the rejection is fundamentally at odds with the teachings of Grube itself, and therefore cannot properly support the rejection.

Further, while the Examiner does correctly note with respect to claim 11 that a Grube subscriber in talkgroup 101, but not subgroup 102, may request to talk and thereafter be assigned a new inbound code, Applicant submits that this at most relates only to the uplink channel, and says absolutely nothing about assigning any downlink channel whatsoever. The specific claim language requires "reassigning said private downlink channel and said private uplink channel to said second member." Nothing put

forth by the Examiner, or elsewhere in Grube, suggests reassigning any downlink channel during the talkgroup call. As such, Grube simply cannot anticipate claim 11.

### **§102 Rejection of Claims 12-15**

Claims 12-15 stand rejected under §102(b) over Grube. Applicant requests reconsideration in view of the amendments to independent claim 12, and the corresponding amendments to dependent claims 13-15.

Amended claim 12 requires, *inter alia*, "assigning a first private downlink channel to said first mobile terminal; ... assigning a public downlink channel to remaining users of the group." Applicant respectfully submits that, as explained more fully above, Grube teaches assigning only a single common downlink channel to all of the subscriber units in the talkgroup call. As such, Applicant submits that even if Grube teaches something with respect to a public downlink channel, a public downlink channel is not a private downlink channel. As such, Applicant respectfully submits that Grube fails to teach or suggest each and every limitation of claim 12, as is required to support a §102 rejection. Accordingly, Applicant submits that independent claim 12, and its dependent claims 13-15, define patentable subject matter over the cited art.

### **§102 Rejection of Claim 16**

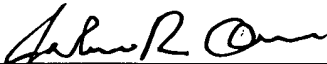
Claim 16 stands rejected under §102(b) over Grube. Applicant requests reconsideration.



Claim 16 requires, *inter alia*, "assigning a private downlink/uplink channel pair to a member of said first class... [and] assigning a public downlink channel without a corresponding uplink channel to a member of said second class." Applicant respectfully submits that, as explained more fully above, Grube teaches assigning only a single common downlink channel to all of the subscriber units in the talkgroup call. As such, Applicant submits that even if Grube teaches something with respect to a public downlink channel, a public downlink channel is not a private downlink channel, nor part of the claimed private downlink/uplink channel pair. As such, Applicant respectfully submits that Grube fails to teach or suggest each and every limitation of claim 16, as is required to support a §102 rejection. Accordingly, Applicant submits that independent claim 16 defines patentable subject matter over the cited art.

In view of the above, Applicant submits that all currently pending claims define patentable subject matter over the cited art. If, however, issues remain after consideration of this response, the Examiner is requested to telephone the undersigned so that they may be expeditiously resolved.

Respectfully submitted,  
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